



**TOWN OF  
NORTH CASTLE  
CONSERVATION  
BOARD**

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**THE 466<sup>TH</sup> REGULAR MEETING OF THE NORTH CASTLE  
CONSERVATION BOARD  
TOWN HALL ANNEX- MEETING ROOM  
JUNE 15, 2021  
7:30 P.M.**

**Corrected**

**PRESENT:** Adam Barnett; Craig Benedict; Jane Black, Co-Chair; Andy Block; George Drapeau III; John Krupa, Co-Chairman; José Berra, Town Board Liaison; Matthew Norden, Kellard Sessions Consulting.

**NOT PRESENT:** All Board members were present at the meeting.

**GUESTS:** Philip & Linda Maresco, homeowner, represented – 1 & 3 Stony Brook Place  
Sam Walsh represented- 5 Hallock Place  
Daniel Sehnal & Henry Szwel represented- 94 Business Park Drive  
Kory Salomone represented – Eagle Ridge Sub-division.

**I.MINUTES:** Minutes of the regular meeting, which was held on May 18, 2021, were approved as corrected. The motion was made by George Drapeau and was seconded by Adam Barnett. The motion was unanimous.

**II. LAND USE: ACTIVE – 1. 1 & 3 Stony Brook Place** – Philip and Linda Maresco, homeowners, represented their project, located at 1 & 3 Stony Brook Place. Mr. Maresco explained that he and his wife moved to Armonk three years ago. He said that there are 10 evergreen and 10 holly trees that are about 15 feet high that have been proposed for removal. He said that they would like to remove these trees in order to provide sunlight for a garden. Andy Block asked if these trees are within a wetland buffer. Mr. Maresco said that two trees are in the wetland buffer. He added that Barbara DiGiacinto, Town Board member, is his neighbor and she has a row of evergreen trees along the street. Mr. Maresco said that these trees are diseased and are dead due to insufficient sunlight. He added that the area chosen for the garden is the only location on the property where it can be done. Adam Barnett showed the Board photos from the Zillow site and asked Mr. Maresco if he and his neighbor share a driveway. Mr. Maresco replied no. Ms. Black said that the wetland buffer is not shown on the copy of the survey submitted. Mrs. Maresco showed photos of the site on her phone to the Board. Ms. Black recommended that an arborist confirm the dead and diseased trees for the Board. Mr. Maresco asked if he really needs an arborist for this application. Mr. Krupa said that there is a possibility that 9 healthy trees would need to be removed. Mr. Maresco said that 5 trees would need to be removed for the area near the proposed garden. He added that he would like to extend the lawn to the property line.



**II. LAND USE: ACTIVE- CONTINUED- 1 & 3 Stony Brook Place -**

Mr. Maresco said that he has “straggly and dead” pachysandra in this area because there is not enough sunlight. Ms. Black asked how the garden would be planted if there are tree stumps and roots from the trees removals at that location. Mr. Maresco said that he would raise the beds and plant 4 to 6 new trees and continue the existing hedge. The Board asked what type of trees are proposed to be planted. Mr. Maresco replied that he would plant Norway spruce trees. Ms. Black explained the town mitigation ratio requirements to Mr. Maresco. She told him that he could remove invasive plants or turn a lawn into a meadow as part of the mitigation requirements. Ms. Black said that the Board simply needs a more thorough plan. Mr. Maresco said that this seems like a lot to do for tree removals and he was planning to plant the garden over the summer months as he is a school teacher. Ms. Black reiterated that the buffer line needs to be placed on the plan. She added that Mr. Maresco does not have to hire a professional to do this. Ms. Black said he could measure it himself and have Matt Norden, Kellard Sessions Consulting, confirm the buffer line. Mr. Maresco asked Mr. Norden if he could measure the buffer line. Mr. Norden said that this is a conflict of interest as he is confirming the buffer. He said that he could not do both.

Mr. Maresco said that he has proposed removing 4 live trees for the garden. He added that the trees have moss growing on them and on the roof of his house. Ms. Black asked if the trees have been placed on the proposal. Mr. Maresco said he owns two lots and was advised that he had to apply for two permits for both lots. Ms. Black said that she believed that a permit wasn’t needed if the tree is dead. Mr. Maresco said that he is concerned because the trees are overshadowing his house. Ms. Black said that the proposed trees and species to be removed need to be measured and placed on the plan.

Mr. Barnett said he wanted to emphasize that the Board has to follow protocols and delineating the wetland is one of those protocols. He added that Mr. Norden needs to come to the site and confirm the wetlands. He added that the square footage of the disturbance needs to be placed on the plan with the diameter of the proposed tree removals and quantifications of any remediation in the buffer area. Mr. Barnett added that all applicants need to identify the remediation on the plan. Mr. Barnett said he understands the homeowner’s frustration, but there are protocols for all applications. Mr. Krupa said that the environment is very important to this Board. Mr. Maresco said that he is very sensitive to the environment. He added that he cuts his own grass and does not use any chemicals on his lawn. Mr. Maresco said that he was planning on doing all of the work on this project himself and was trying to keep the cost down. Mr. Barnett said he would need all of the information that has been requested before a recommendation could be made. Mr. Maresco asked the Board if he had to wait another month.

Ms. Black suggested that Mr. Maresco contact Robert Melillo, Building Inspector, to confirm that these trees are dead before cutting them down. She added that if he were to just cut down the trees there could be repercussions due to the fact that no one has confirmed that the trees are in fact dead. She added that the Board’s hands are a “little tied”. Mr. Barnett said it seems burdensome, but our job is to protect the environment.

**II. LAND USE: ACTIVE- CONTINUED- 1 & 3 Stony Brook Place –**

The Board said that if Mr. Maresco were to cut a tree down without confirmation that it is dead, this could give neighbors the idea that this is acceptable. Mr. Benedict reiterated that the steps in place need to be followed. Ms. Black reiterated that the number of trees in the buffer needs to be quantified and the amount of buffer disturbance needs to be quantified. She said that once this is done the amount of mitigation needed to remediate the project could be calculated. Ms. Black said that if the applicant is removing a tree, it needs to be marked on the plan. Mr. Barnett suggested contacting the Building Department for the As Built Survey and use that instead of the regular survey.

Mr. Norden asked the Board if a sketch is something that they are comfortable using. The Board discussed this as the project is not very large. Mr. Krupa asked the Board at what point is a sketch considered acceptable versus a formal plan. Ms. Black asked the applicant to place all species that will both be removed and planted placed on the plan. Mr. Krupa said yes, you can add a key on the side. Ms. Black asked the Board if a site walk was needed. The Board agreed that a site walk was not needed. Ms. Black said she was at the RPRC meeting when this was presented and she remembered that it was a total of 20 tree removals. Mr. Maresco said that it was a total of 10 tree removals from one property and five from the adjacent property. He said that there are a total of nine living trees, and all of the other trees are dead.

Mr. Norden asked Mr. Maresco to call him once the buffer has been delineated. Mr. Maresco agreed.

**II. LAND USE: ACTIVE- CONTINUED- 2. 5 Hallock Place** – Sam Walsh represented this application, which is located at 5 Hallock Place. Mr. Walsh explained that the applicant would like to eliminate the existing raised plant beds and take them down to ground level. Mr. Walsh showed the Board photos of the existing site. He explained that the work on the site had started and stone debris was placed in the 100 foot wetland buffer. Mr. Walsh said they received a stop work order from the Building Department. He said that the stone debris has been removed. Mr. Walsh said that access to the beds does not impact the buffer. He said that access to the beds will be through a cut section of the existing fence. He showed the Board the lawn area. Ms. Black asked if pads would be placed on the site. Mr. Walsh replied yes. Ms. Black asked if the mitigation required has been quantified. Mr. Walsh said that mitigation is not required because all of the proposed work is outside the buffer area. Ms. Black asked if the wetland and buffer have been flagged. Mr. Walsh replied yes. Ms. Black said that the buffer line has been extended and mitigation is still required. She informed Mr. Walsh that the town code requires a 2 to 1 mitigation ratio. Mr. Walsh agreed to the request. Ms. Black asked for the calculations of the footage of the pads used for construction access. She added that even though it is now a lawn and is pervious surface it still needs to be mitigated. Mr. Walsh said they are adding approximately 500 to 600 feet to the existing patio. Mr. Krupa said that this seems to be very simple. Mr. Drapeau asked where the septic system is located.



## **II. LAND USE: CONTINUED – 5 Hallock Place –**

Mr. Walsh said that there is no septic system on site as this site is connected to the town sewer system. Mr. Drapeau asked where the well is located on the site. Mr. Walsh showed the Board the well location.

Mr. Krupa said he had no issues with this plan and reiterated that it seemed quite simple. He asked if there are any proposed tree removals. Mr. Walsh replied no. The Board asked Mr. Walsh to work with Mr. Norden on the additional items that need to be placed on the plan. Ms. Black reiterated that the wetland needs to be confirmed by Mr. Norden's office. Mr. Krupa asked if the topography of the site is flat. Mr. Walsh replied yes. He added that the patio replacing the beds will be flush at ground level and the patio will be adding drainage to the site.

A motion to approve the project was made by Adam Barnett and was seconded by Craig Benedict. All Board members were in favor of the motion.

**3. 94 Business Park Drive** – Daniel Senahl and Henry Swzel represented 94 Business Park Drive. Mr. Senahl informed the Board that this is the former La Qunita Hotel. He said that the existing building is 49,000 square feet and the site is 63% impervious surface. Mr. Senahl said that the Byram River is located at the rear of this site and has been flagged. He said the stream is considered a local wetland. Mr. Block asked if the retirement home is located to the north. Mr. Senahl replied yes. Mr. Senahl showed the existing conditions on the site. He said the area shown in blue is the maintained area which is 17,813 sq. ft. of existing disturbance. Mr. Senahl said that the proposed warehouse is 72,000 square feet. Mr. Drapeau asked if there is a tenant in place to rent the warehouse. Mr. Senahl replied no. Mr. Senahl said that he didn't think that the site would meet the required 2 to 1 town code requirements. Ms. Black asked where the proposed mitigation is located. Mr. Senahl showed the Board the proposed locations. Mr. Krupa asked what the total amount of mitigation proposed is. Mr. Senahl said the mitigation proposed is a total of 20,000 sq. feet. Mr. Krupa said that this does not meet the required code by 14,000 feet. Mr. Senahl replied yes. Ms. Black said that the applicant can do off site mitigation or a payment in lieu. Mr. Senahl asked the Board if they would consider the notion that the applicant is restoring a total of 9,645 sq. ft. and "giving back" for this portion of the mitigation required. Mr. Krupa said that this was an interesting "math equation". He added that he was very pleased that the applicant is "giving back" a portion of the site for restoration. Mr. Senahl said yes, he was hoping that the Board would consider that as a plus towards the mitigation requirements that cannot be met. Mr. Senahl said that this is less impact to the buffer area. Mr. Drapeau asked if trees have been proposed for removal. Mr. Senahl said that there are no tree removals proposed and he added that they will be planting trees. Mr. Drapeau asked if the trees would be smaller in height. Mr. Senahl replied yes, 48 ornamental trees have been proposed and 60 trees will remain on site. Mr. Block said that this is a disturbed site and the applicant has proposed restoring a portion of the site to a naturalized state. The Board discussed how disturbance gets calculated for mitigation purposes.

## **II. LAND USE: ACTIVE- CONTINUED - 94 Business Park Drive**

Mr. Block said he was willing to move forward and allow the 1 to 1 mitigation ratio to get the bonus of the restoration. Mr. Krupa said he wasn't sure that the Board could allow that per the town code.

He added that a phone call should be made to Roland Baroni, Town Attorney, to inquire about this. Mr. Drapeau said this is a substantial and valuable water course and this would be a positive benefit. Mr. Senahl said that the applicant is also improving the drainage system. Mr. Block asked if this application is time sensitive and asked if we could give a provisional approval. Mr. Krupa said yes, that this could be possible.

Ms. Black asked Mr. Senahl to explain the color coded charts in detail. Mr. Senahl complied with the request. The Board discussed the possibility of the 1 to 1 ratio in depth. Ms. Black said that the applicant can offer off site mitigation to meet the town code requirements. She added that the applicant can also remove invasive plants as part of the mitigation. Mr. Block asked if there was an opportunity to do the mitigation on the site. Mr. Krupa reiterated that it may be best to inquire about this to Mr. Baroni.

Mr. Senahl said that a current lawn will be restored to a naturalized area. Matt Norden informed the Board that all of the proposed plantings are all native species.

Mr. Block asked the Board if they could do a conditional approval. Ms. Black said she thought there were too many unanswered questions. She added that she would contact Mr. Baroni. Mr. Senahl said that the applicant would be pleased if the Board would consider the proposal as is, but understood that there are town requirements that need to be met. Ms. Black encouraged the applicant to look at the site for any invasive plant removals. Mr. Krupa asked why the New York State Department of Environmental Conservation (NYSDEC) was not involved with this application. Mr. Senahl said that the NYSDEC is not involved because the wetland on this site is considered a local wetland. He added that they do need a stream protection permit and referred to Article 24. Mr. Drapeau asked if the site has a 100 year flood plain plan in place. Mr. Senahl said that they are completely staying out of the flood plain area and reiterated that they are in the process of procuring a stream protection permit.

Ms. Black said that she would contact the Town Attorney and the Secretary would inform the applicant of the outcome of that phone call. Mr. Senahl thanked the Board.

**3. Eagle Ridge** - Kory Salomone, Esq. presented this application which is located at 3 North Castle Drive. Mr. Salomone explained that this application includes a hotel and 72 age restricted townhouses. He said the entire parcel is 32 +/- acres and the hotel and townhouse are on 5.8 acres. Mr. Krupa asked Mr. Salomone to show the Board where the IBM Headquarters is located. Mr. Salomone showed the Board where the North Castle Park, North Castle Drive and Main Street are located on the site plan at the request of Mr. Krupa. Ms. Black said that the Board had requested that this application be referred to this Board by the Town Board because this is a parcel over 10 acres. Mr. Block asked if this was the first time this project has been presented to this Board. Mr. Salomone replied yes.



## **II. LAND USE: ACTIVE- CONTINUED- 94 Business Park Drive**

Ms. Black said she knows that this application has been presented to the Planning Board and the Town Board, but this is the first time this Board has seen this proposal.

Mr. Block asked if there were plans that showed the elevations. Mr. Salomone said that he didn't have those with him. Mr. Block asked if this type of plan exists for this application. Mr. Salomone said yes, but this is about zoning and getting the permits in place. He added that there are some elevation plans but that can change when the site plan is completed. Mr. Block asked if this could be sent to the Board. Mr. Salomone said that this information is available on the town website. Ms. Black said yes, the town website has a visualization that can be viewed. Mr. Salomone said that there is one caveat, that this is not the actual architecture but just a layout. Ms. Black said that there was concern by this Board and the Open Space Committee regarding protection of the ridge line and the views of the project from nearby areas such as downtown and the Community Park. She added that all of the members did not get the chance to see the balloon test. Ms. Black said that one of our goals of this Board is to protect the ridgeline and the character of the town. She referred to the visualization and the balloon test photos, which showed the disturbance to the ridgelines by the construction of this project. Mr. Salomone said that he wasn't here to tell the Board that this would not be a disturbance, but the hotel is compliant with the height requirements set by the OBH zoning district. He said the townhouses are in the floating zone and we asked the Town Board to put those units in that zone. Mr. Block said we are not here to talk about zoning; we are here to talk about the ridge line. Mr. Salomone said yes, that is correct. Mr. Block said it would be helpful to see the rendering of the balloons and the height of the potential buildings. Mr. Salomone said that this information is on the town website. Mr. Norden said yes, there are renderings on the site. Mr. Block asked Mr. Norden to send this information to the Board. Mr. Norden replied yes. Mr. Block said yes, we can do that but it would be easier for Mr. Salomone to facilitate this to the Board. Mr. Salomone said he would send the information to the Secretary and she would send the information requested to the Board via e-mail.

Mr. Krupa asked if the different iterations of the proposal could be explained and why the application became what it now is. Mr. Salomone said the original proposal included a 90 room hotel, 60 apartments with underground parking and 94 townhouses. He said that this was the most impactful plan presented and comments made from the Town Board and the public changed the original application. He referred to a comment by Barbara DiGiacinto who requested that the hotel be enlarged to twice the size of the proposal. He said that the comments also included pushing the hotel back up closer to the ridgeline. Mr. Salomone said that the hotel and townhouses were flipped as far as locations at one point. He said that IBM did not support that plan, so it was changed due to that. Mr. Block asked why IBM has a say in the hotel and townhouse locations. Mr. Salomone said that when the property was sold, there were restrictions in the deed. Mr. Krupa said he had the opportunity to read the deed restriction. Mr. Krupa said he wanted to know who asked for the hotel and townhouses to be moved farther up the ridgeline and thought that this was very important to note.

## **II. LAND USE: ACTIVE- CONTINUED – Eagle Ridge**

Mr. Salomone said that the deed restriction that he sent the Board is a different deed than the one that gives IBM authority on building locations. He said that the applicant bought 36 acres from IBM and they had supported the original plan submitted. He added that they have continual jurisdiction on this site. Mr. Salomone said that Saleem Hussain, Town Board member, recused himself from this application.

Mr. Salomone said that IBM wanted the hotel and the townhouses in a certain location with the townhouses being closer to the IBM facility. Adam Barnett asked what other restrictions IBM can impose on the applicant. Mr. Salomone said that they can oversee the placement of curb cuts and required that nothing is allowed in the buffer area. He added that they would need to seek approval for a cross walk crossing Route 22 from the New York State Department of Transportation (NYSDOT). He said that IBM can also not allow a sidewalk on North Castle Drive. Mr. Krupa asked if the application started out with only townhouses. Mr. Salomone said no, it always had a hotel attached to the application. He said it was approved up to a 300 room hotel and the limits of disturbance that were approved in 2010. He added that in 2010 it was listed as OB (office/business) and was re-zoned as an OBH (office/business/hotel) site. Ms. Black reiterated that this application was originally just a hotel. Mr. Salomone replied yes. Mr. Barnett asked if all deed restrictions could be sent to the secretary so that the Board can read the document. Mr. Barnett clarified that he wanted to see what rights IBM can exert over the applicant. Mr. Salomone said yes, this is all open to the public. Mr. Krupa asked again if the proposed application originally included a hotel. Mr. Salomone said yes. Ms. Black asked about the townhouse architecture with the neat boxy rows and said that this is not part of keeping up with the rest of the town. Mr. Salomone said yes, this is decidedly intentional and tiered to allow all residents to have a view over the valley. Ms. Black asked if the buildings will be perfectly straight in design. He replied that there have been conversations with numerous developers and they are getting the permits in place. He said that this application will be flipped to another developer and they will have to go through the site plan process.

Ms. Black asked about the town code that refers to open space of over 50%. Mr. Salomone said that this is not applicable. She asked why not. He said because in discussions with Mr. Kaufman, Town Planner, it is not applicable to RFMCH sites. Also, IBM made it clear that they will not approve any open space requests or recreation fees. Mr. Krupa asked if those parcels were intended for public use. Mr. Salomone said that any future development on any land that IBM owns will not be subject to public use. Mr. Barnett said that he begs to differ, but the ESG he was referring to said they won't protect open space. Mr. Salomone said that he didn't say that they wouldn't protect open space; he said that there is no requirement. He said that we could have this discussion all day long and he would be happy to but he had a discussion with Roland Baroni, Town Attorney, and he is a part of that agreement and so he defers to what was said to him per Mr. Baroni. Mr. Block said that they are not advocates and the Board is all volunteers and Mr. Salomone is an advocate and is presenting this application in a certain way. Mr. Salomone said yes, he is an advocate and is telling one side of the story.



## **II. LAND USE: ACTIVE- CONTINUED – Eagle Ridge**

Ms. Black asked what the total amount of tree removals would be. He replied that the amount may change depending upon the site approval. He added that at this point it is about 600 +/- trees if they were to construct a 300 room hotel. Ms. Black asked if there would be a tree replacement plan. He replied yes. Mr. Block asked if the trees specimen and size would be shown. Mr. Salomone said yes, this is all available. Ms. Black said that these are all site plan issues. Mr. Drapeau said he was confused; when the plan did not include housing and it was just a hotel, where would the hotel have been sited to be accessible to IBM. Mr. Salomone showed the Board the location. Mr. Drapeau asked if this was acceptable to IBM. Mr. Salomone didn't say it was acceptable to IBM; he said that this was the plan that was produced for IBM in 2010 when the zoning change was received. Mr. Block said now he is confused and referred to a comment made by Mr. Krupa. Mr. Salomone said that in 2010 it was zoned as OB and was changed to OBH and a plan was produced that included a 300 room hotel with surface parking and then they got it rezoned. He added that his client closed on the site in August of 2017. Mr. Block asked when the townhouses were added to the application. Mr. Salomone said that this was added to the application when they purchased it in 2017. He added that they have had studies done and found that a standalone hotel is not fiscally viable. Ms. Black said that it would seem that a 150 room hotel would be viable. Mr. Drapeau said that the developer told the Town Board at a recent meeting that once the property was rezoned, he had intentions to "flip" the land to a developer of hotels. Given the current market conditions for hotels, he explained, building a hotel on the site would require the land to have a zero cost basis in order for a developer to consider the project viable. Mr. Drapeau asked if this site was always proposed as a hotel. Mr. Salomone said yes, he thinks that is the case. He added that IBM did not want the hotel near their property line and wanted the townhouses near the property line. Mr. Drapeau said that there was no discussion about townhouses in 2010. Mr. Salomone said yes, that is correct. Ms. Black asked if in 2017, IBM knew that the applicant wanted to construct a hotel and townhouses. He replied yes. Ms. Black asked if the townhouses were requested by IBM. Mr. Salomone said no, this was part of the proposal in the sale of the property.

Mr. Barnett asked if the original site plan could be sent to the secretary so that it could be sent to the Board. Mr. Salomone said yes, he believed he could do that. Mr. Krupa asked about the density of the townhouses and wondered if the number of townhouses could be reduced by 10 or whether that was not feasible. Mr. Salomone said yes, it would be unfeasible. Ms. Black asked what would be done if the Town Board requested fewer townhouses. He replied that it would not be feasible. Mr. Krupa referred to a comment made by Ms. DiGiacinto at a Town Board meeting about the hotel being pushed further up to the ridgeline and wanted to know if there was potential to move the hotel further down the ridgeline. Mr. Salomone replied that it could be a possibility and said that this was the original location but this would be much more visible from the community park. He added that this was why the Town Board asked the applicant to preserve as much of the area shown on the plan. Ms. Black and Mr. Krupa said it's a balancing act or a tradeoff.



## **II. LAND USE: ACTIVE- CONTINUED- Eagle Ridge**

Ms. Black said yes, by moving the hotel further down it would reduce the ridgeline but raise the visibility at the park location. Mr. Block said that it sounds like the hotel is not the priority of the developer and wanted to know why it wouldn't be as visible. Mr. Salomone said that they acquired a top notch consultant and a 150 room hotel was the "sweet spot".

Mr. Krupa said that the Board doesn't like the site lines and asked if they could be redistributed in another way. He replied that he could go back to his team and discuss it but, the bottom line is we are focused on the zoning. Mr. Krupa said yes, this Board is going to provide its opinion and if we agree that the hotel is too tall, we are going to say that. Mr. Salomone said sure, he understood. Mr. Krupa asked if there are other possibilities for mitigating the height of the buildings. Mr. Salomone said that he wasn't saying that the applicant wouldn't or couldn't do it but at this point the concern is the lot size, density and zoning. He said that he didn't know who the developer will be and said that builder could ask if the buildings could be reduced or pulled farther down from the ridgeline. Mr. Krupa said he was trying to see what compromises could be made. He replied that he understood. Ms. Black asked how the building heights were decided upon. He said that he knows this Board does not provide input on zoning, but this was a zoning issue as far as the setbacks being 300 feet from the community park. Mr. Drapeau asked about the earliest reiteration of the hotel. Mr. Salomone said "don't quote me", but he thought it was a 90 room, three story hotels with 69 -1, 2 and 3 bedroom apartments. Mr. Drapeau said that this was a much denser project closer to the road. He replied yes, this is correct. He added that there would have been a two level parking garage that would have been exposed even though it was underground. Mr. Salomone said that this application includes underground parking, but has more surface parking spaces. Ms. Black asked that the parking structures and spaces to be shown to the Board. He complied with the request. Mr. Drapeau asked if the building was lowered and put the parking underneath the building. Mr. Salomone said there have been many iterations of this application and they have listened to the comments given to them. Mr. Salomone said that they have tried to come up with a plan to minimize the height. Mr. Krupa said it seems as if the current height of the project is because the Town Board asked the applicant to do this. He replied yes, this is correct. He said that though the Board may not like the design of the project we have taken the comments and have intentionally added items such as block of two townhouses based on comments made by the Town Board. Mr. Drapeau asked if a site walk can be scheduled. Mr. Block asked the secretary if this could be done. She replied yes. Mr. Krupa referred to town code section 355 which refers to height protections and asked if the applicant is required to procure a variance. He replied no, this all fits in. Mr. Drapeau said the height of the hotel is subordinate as a hotel is booked out of convenience and to get so much exposure in our town, we are giving it to people who are not residents in the town. Mr. Salomone said that the applicant put forth a plan that was strictly senior restricted townhouses and the heights would have been lowered but it has been made abundantly clear by the Town Board that they wanted a hotel and nothing would be approved without a hotel on the site. He reiterated that Saleem Hussain, Town Board member, recused himself.



## **II. LAND USE: ACTIVE- CONTINUED – Eagle Ridge**

He said he understands what the Board is saying but if you listen to some of the comments made in a public manner, people are excited to have a hotel in town. He added that this could be for a bar mitzvah or for extended family.

He said that the hotel would be equivalent in size to the La Quinta Hotel, but more upscale in design. He reiterated that they were told that nothing would get approved unless a hotel is built on the site. Mr. Drapeau asked if the townhouses could be built without a hotel. Mr. Salomone said no, the Town has ensured that no townhouses can be constructed unless a hotel is constructed first. Ms. Black asked if the hotel would be constructed first. Mr. Salomone said that the permits for the hotel will be procured first and we are in the process of making sure that the requirements of the town are protected and ensured. He said that there will be a memorandum that would document this, but this has not been received by him yet. He added that a substantial escrow agreement will be put in place and monies will be released as monuments are achieved such as the foundation. He said that this will happen up and until the final certificate of occupancy is issued. Ms. Black asked if the project will be done by Mr. Madonna. Mr. Salomone said no, it will not be built by Mr. Madonna. He said that this project will be sold once the permits are in place to a national developer. Mr. Krupa asked why Mr. Hussain recused himself from the project. Mr. Salomone said he honestly doesn't know why and it was relayed to him that he works at IBM and felt that there was a conflict. He added that he didn't think this was a conflict, but on the advice of counsel he recused himself. Mr. Krupa asked if the applicant wanted to abandon the project in July of 2020. Mr. Salomone said yes, in light of the covid pandemic the hotel was hard to finance in the best of circumstances. He added that now that restrictions have eased, that has changed. Ms. Black asked if there was any anticipation of difficulty getting financing for the hotel. He replied no. Mr. Salomone said the townhouses cannot be built unless the hotel is built and they are committed to the project. Ms. Black said that the site plan needs to be developed. He replied yes. Mr. Krupa asked if the site has been staked. Mr. Salomone said that the ends of the townhouses and the hotels were staked and thinks that they are still there. Mr. Krupa said that a lot of this area has been disturbed and is not pristine. Mr. Barnett asked if the street grid is locked. He replied that the setbacks and the blocks of two and three units of the townhouses will be locked which is 60 feet. He said that if a developer wants to do 25 feet in between units they would have to reapply to the Town Board. Mr. Krupa read that the Town Board stated that these new buildings are well designed and appropriate and will not block any views. Ms. Black asked if the balloon test was for the hotel only and if it would be done again. Mr. Salomone said it was done twice and the problem is at this time of year the enemy is humidity. Mr. Block said that the renderings show the townhouses too. He replied yes, and described the variations that are available on the town website.

Mr. Salomone said that he is asked why the area is not connected to the park and that is because there is a spike strip which prohibits this. Mr. Block asked what a spike strip is.



## **II. LAND USE: ACTIVE – CONTINUED – Eagle Ridge**

He described what a spike strip is for the Board. He added that the applicant would be more than happy to have a trail directed to the fence at the park but they cannot connect it. Mr. Drapeau asked about the open space portion in the deed. Mr. Salomone said that the town could not require it. Mr. Krupa asked again if the deed restriction can be sent to the secretary for the Board to see it. He said yes, it is a public document. Mr. Krupa said that this was very informative. Mr. Salomone said he hoped his e-mail wasn't taken as being obnoxious, but he is here for his client and said he has the most respect for all that the Board does. Mr. Krupa said that the Board is not trying to get in the way, but be a part of the process because the Board is supposed to be a part of the process. Mr. Krupa thanked Mr. Salomone. A brief discussion about the project was done amongst the Board regarding deadlines. Adam Barnett asked why the Board is putting one person's project and interest before another in terms of expediency. Ms. Black said that this project has so many moving parts and this is not a simple project like tree removals for a garden. Mr. Krupa said that this request has come from the Town Board. Mr. Block said that Mr. Berra said that the developer has an interest in moving this project along and the Town Board is trying to be cooperative, but in his opinion, while the Conservation Board had to determine whether it was possible for it to comply with that timing. Mr. Berra said the applicant was pushing this process and Mr. Baroni slowed it down to allow this Board to make any comments by July 14, 2021. Mr. Krupa said that the request did not come from the applicant to provide comments by that date; it was requested by the Town Board. Mr. Berra reported that Mr. Baroni said that the Conservation Board's feedback would not slow down the process. The secretary asked if a memo could be compiled after the July 20, 2021, meeting. Mr. Berra said that he would send the Town Board's discussion about the required date via e-mail to the Board. The Board said this would be very helpful. Mr. Drapeau said the Board could meet before the start of the July 20, 2021, meeting to discuss this. The secretary said yes, this could be done as long as it is open to the public. Mr. Krupa commended the entire Board on all of their hard work behind the scenes on this project. He added that he thought this could be done before July 14, 2021. A brief discussion on the deadline ensued.

## **III. LAND USE- PENDING**

1. 360 Main Street – No discussion.

2. 1 Kent Place – No discussion.

## **IV. WORK PROGRAM**

1. Website Improvements- No discussion.



#### **IV. WORK PROGRAM- CONTINUED-**

2. Planning Board Report – Andy Block attended the May 24<sup>th</sup> Planning Board report. He sent a synopsis of the meeting via e-mail.

2. Planning Board Report – Andy Block attended the June 14<sup>th</sup> Planning Board report. He sent a synopsis of the meeting via e-mail.

3. RPRC Report – Andy Block attended the June 1, 2021, RPRC meeting. A synopsis of the meeting was sent via e-mail.

3. RPRC Report – George Drapeau attended the June 15, 2021, RPRC meeting. A synopsis of the meeting was sent via e-mail.

#### **V. NEW BUSINESS**

1. "See Something- Say Something" – Mr. Krupa referred to an e-mail sent to all residents regarding stockpiling millings near wetlands. He stated that he thought we should state that we are in receipt and refer it to the appropriate bodies. Mr. Barnett asked Mr. Norden to take a look at the photos and if the town is doing what it should be doing. Mr. Norden said he would take a look at it. The Board agreed to discuss this at the next meeting. The secretary asked Mr. Norden to send a short e-mail with his thoughts before the next meeting to update the Board. He agreed.

2. Submission Checklist- Homeowner Requirements – Mr. Block asked the secretary to send an editable version to him and Mr. Barnett. The secretary asked Mr. Norden if he had access to this as Brian Hildenbrand, former co-worker from Kellard Sessions Consulting had compiled the checklist. Mr. Norden said he would look into that. Ms. Black said that the original checklist was done by herself, Zenaida Bongaarts, former Co-Chair, Julie Mucker, Secretary and Brian Hildenbrand.

3. Site Walk – A site walk for the Eagle Ridge location was scheduled for Tuesday, June 22, 2021 at 8:00 a.m. \* the representative never showed at the site walk- a new site walk was rescheduled on June 29, 2021, at 8:00 a.m.\*

#### **VI. CORRESPONDENCE & ANNOUNCEMENTS**

1. Is there a need for annual reports to the Town Board? – Mr. Block said that for a long period of time these annual reports were done and wanted to know why that stopped. The secretary said that these reports were not generated at all in the time that she has been a town employee.



## **VI. CORRESPONDENCE & ANNOUNCEMENTS- CONTINUED**

Mr. Block said it would be very simple to do. Mr. Krupa said yes, it voices any concerns the Board may have. Mr. Krupa was unsure if it benefits the Board. Mr. Krupa said if there was a need for it, he would happy to do the report. Mr. Berra said that it always good to educate the public. The Board supported this.

## **VII. OLD BUSINESS**

1. Tree Ordinance – No discussion.

**VIII. ADJOURNMENT** – A motion to adjourn was made by Andy Block and was seconded by John Krupa. The Board was unanimous for the motion that was made. The meeting was adjourned at 10:45 P.M.

**VIII. DATE OF NEXT MEETING: July 15, 2021**

Julie Mucker, Secretary  
Conservation Board

File Name: minutes61521